

**BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

**FILED**

**SEP 09 2011**

*Jim Ruby, Executive Secretary  
Environmental Quality Council*

**IN THE MATTER OF THE OBJECTION )  
TO THE PROPOSED RENEWAL PERMIT, )  
SAND DRAW LANDFILL, SHWD FILE #10.195 )**

**Docket No. 11-5602**

**ORDER OF SCHEDULE**

ON THE 8th day of September, 2011, the Council through Rich Fairservis, the appointed presiding officer conducted a scheduling conference with the parties. Present at said hearing was Rick Sollars on behalf of the Petitioner; the Department of Environmental Quality, represented by Jeremiah Williamson and Luke Esch, Asst. Attorney General; Present for the Council were Jim Ruby, Exec. Secretary of the Council and Joe Girardin, paralegal for the Council.

The following schedule has been developed by the Presiding Officer through consultation and the parties are hereby ordered to comply with said schedule unless good cause is shown why the parties are unable to comply.

The following schedule is hereby Ordered:

- a. Expert designations and reports shall be filed by 12:00 noon September 23rd.
- b. All discovery, both written and oral shall be completed by 12:00 noon on or before October 17<sup>th</sup>, 2011
- c. Dispositive motions shall be filed by 12:00 noon on or before October 24<sup>th</sup>, 2011
- d. Responses to dispositive motions shall be filed by 12:00 noon on or before October 27<sup>th</sup>, 2011.
- e. Oral arguments on dispositive motions shall be held on November 2, 2011 in Cheyenne WY by teleconference call. Each party will have ten minutes for oral argument. The proponent of any dispositive motion shall also have an additional five minutes for rebuttal argument.
- f. Pre-hearing memorandums and three copies of all exhibits shall be filed with the Council by 12:00 noon on or before November 9<sup>th</sup>, 2011. A copy of all exhibits shall

also be served on the opposing parties. The DEQ shall label their exhibits DEQ 1,2,3 etc. The Petitioner shall label their exhibits Sand Draw 1,2,3 etc. At a minimum the memorandum shall identify all contested issues and all uncontested issues, will-call and may-call witnesses, exhibits and any other matters the Parties need to have considered at the pre-hearing conference.

g. The pre-hearing conference shall be held on November 10th, 2011 at 9:00 a.m. The parties may appear by teleconference if personal attendance at the offices of the Council in Cheyenne WY, is impractical. The purpose of the pre-hearing conference is:

1. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony.
2. Clarification of the legal issues, both substantive and procedural, of all the parties, including the statutory provisions and regulations that form the basis of this appeal.
3. Stipulation to uncontested facts.
4. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony.
5. Pending motions.

h. Final hearing in this matter is scheduled for November 16<sup>th</sup> and 17<sup>th</sup>, 2011 in Lander Wyoming at 9:00 a.m.. The exact location of the hearing will be determined at a later date. These dates are contingent upon the Council voting on September 12, 2011 to extend the hearing beyond the 20 day statutory period and agreeing to these dates.

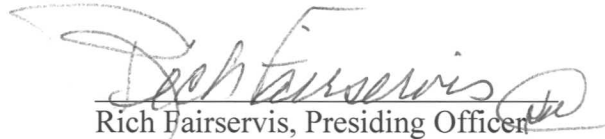
i. All documents shall be delivered no later than 12:00 noon on the above referenced dates. For the purpose of this order, deliver shall mean that the recipient has the pertinent documents in hand. Delivery does not mean that the documents were placed in the mail or with a delivery service. The parties may deliver documents via fax or e-mail, if prior arrangements have been made with the recipients and the original is mailed at the same

time.

j. The Council will hold a teleconference meeting on September 12, 2011 at 9:30 a.m. to discuss and make a decision as to whether sufficient cause exists to continue the hearing past the statutory 20 day period and to set the hearing date.

The parties shall have ten days from the date of receipt of this Order to file any objections to this Scheduling Order.

**DATED** this 9th day of September, 2011.

  
Rich Fairservis, Presiding Officer  
Environmental Quality Council

**CERTIFICATE OF SERVICE**

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 9<sup>th</sup> day of September, 2011, I served a copy of the foregoing **ORDER OF SCHEDULE** by electronic mail to the following:

John Corra  
Director, DEQ  
[john.corra@wyo.gov](mailto:john.corra@wyo.gov)  
307-777-7937

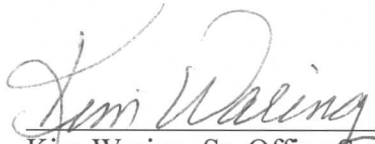
Luke Esch  
Asst. Attorney General  
[luke.esch@wyo.gov](mailto:luke.esch@wyo.gov)  
307-777-6946

Jeremiah Williamson  
Asst. Attorney General  
[jeremiah.williamson@wyo.gov](mailto:jeremiah.williamson@wyo.gov)  
307-777-6946

Carl Anderson  
Solid & Hazardous Waste Division  
[carl.anderson@wyo.gov](mailto:carl.anderson@wyo.gov)  
307-777-7753

also by depositing the same in the United States mail addressed to:

Rick L. Sollars  
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Attorney at Law  
277 Lincoln Street  
Lander, WY 82520  
[westernlaw@onewest.net](mailto:westernlaw@onewest.net)

  
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